JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION (L.) NO.168 OF 2016
IN
COMPANY PETITION NO.538 OF 2013
ALONG WITH
O.L.R. NO.31 OF 2016

Reliance Capital Ltd. ...Applicant

In the matter between:

Hansa Chandrakant Majithia … Petitioner
Versus
The Official Liquidator of Avon Corporation. ...Respondent

Ms. Alpana Ghone, *i/b. M/s. Ajay Misar & Co. for the Applicant.*
Mr. Vinod Sharma, *Official Liquidator, High Court, a/w. Ms. Yogini Chauhan.*

CORAM: G.S. PATEL, J.
DATED: 18th March 2016

P.C.

1. This is an application under Section 537 of the Companies Act, 1956. It relates to premises being Unit No.1106, 11th Floor Building DLH Park, S.V. Road, Opp. Goregaon MTNL, Goregaon (W) 400 062. It is not disputed that these premises are mortgaged

and that the Applicant has initiated proceedings including Execution Proceeding No.14 of 2013.

2. Ms.Ghone for the Applicant states that Applicant wishes to remain outside the process of liquidation. There is also before me today a Liquidator's Report No.31 of 2016 in which the Liquidator seeks that the title deeds to the property be handed over.

3. If the Company Application is allowed the Official Liquidator's Report will not survive. However, the Official Liquidator points out that the Applicant has not been at all co-operative in this matter. It has, despite repeated requests, failed to depute anyone to attend the Official Liquidator's Office to provide the necessary information or documentation. The Liquidator's office has incurred expenses including an amount of Rs.21,142/- on getting the premises valued. Over and above that, a lot of man hours have been spent in handling this matter. The Official Liquidator submits that he is entitled to costs. I agree.

4. The Company Application is made absolute in terms of prayers (a) and (b) subject to Applicants first paying to Official Liquidator an amount of Rs.21,142/- as costs actually incurred and an amount of Rs.50,000/- as additional costs.

5. In view of this, the Official Liquidator's Report does not survive. The Company Application is disposed of in these terms.

(G. S. PATEL, J.)